

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

**IN RE: YASMIN AND YAZ
(DROSPIRENONE) MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION**

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**3:09-md-02100-DRH-
PMF

MDL No. 2100**

This Document Relates to:

ALL CASES

CASE MANAGEMENT ORDER NUMBER 37

**TRIAL-POOL SELECTION
(Gallbladder and Venous Thromboembolism)**

HERNDON, Chief Judge:

This matter, having been opened to the Court by counsel for the Parties,
and good cause appearing;

Under Amended Case Management Order 24 (Bellwether Trial Selection
Plan), the parties are to determine when to select trial-pool cases from the existing
core-discovery pool. **IT IS HEREBY ORDERED**, that:

1. For the Gallbladder ("GB") trial setting, the Parties shall exchange
their GB trial-pool selections on September 7, 2011. For the Venous
Thromboembolism ("VTE") trial setting, the Parties shall exchange their VTE trial-
pool selections on December 2, 2011. The Court shall not be included in these
exchanges.
2. Each side shall select four GB cases and four VTE cases.

3. Each side shall exercise any veto (maximum of one, minimum of zero) on September 9, 2011, for the GB cases. Each side shall exercise any veto (maximum of one, minimum of zero) on December 6, 2011, for the VTE cases. The Court shall not be included in these exchanges.

4. On September 14, 2011, after the exercise of any vetoes over the parties' GB trial-pool selections, the parties shall submit the names of the remaining GB cases to the Court without indicating which party picked which case. Also on September 14, 2011, each party shall provide to the Court and to the other party a factual summary concerning each GB case submitted to the Court for trial selection, so that the Court receives two submissions on each case. On December 12, 2011, after the exercise of any vetoes over the parties' VTE trial-pool selections, the parties shall submit the names of the remaining VTE cases to the Court without indicating which party picked which case. Also on December 12, 2011, each party shall provide to the Court and to the other party a factual summary concerning each VTE case submitted to the Court for trial selection, so that the Court receives two submissions on each case. The GB and VTE summaries required under this paragraph shall be no more than three double-spaced pages per case. The submissions shall be simultaneous and responses shall not be submitted. The submissions shall not indicate which party picked which case.

5. Upon receiving the information described in paragraph 4, the Court will select (a) one GB case to be the first case to be tried in the GB trial setting,

and three GB cases to be backups in case the first GB case cannot be tried for some reason; and (b) one VTE case to be the first case to be tried in the VTE trial setting, and three VTE cases to be backups in case the first VTE case cannot be tried for some reason. The Court will notify the parties of its GB selections on or before September 21, 2011, and will notify the parties of its VTE selections on or before December 19, 2011.

SO ORDERED

  David R. Herndon
2011.08.19 07:33:25
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**Chief Judge
United States District Court**

Date: August 19, 2011